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U.S. DISTRICT COURT
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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

2007 FEB - 8 PM 1:10

GABRIELE G. H. MIDALGO, 97A7235

Plaintiff,

-v-

DECISION and ORDER
06-CV-6572L

SGT. MORSE, LT. KERBEIN,
C.O. JOHN DOE, C.O. T. HABLE,
C.O. GILBERT, C.O. D. STEVENS,
C.O. HOLLY, C.O. M. SHEREMETA,
COMMISSIONER GOORD, K. HESS,
and C.O. LOVEJOY,

Defendants.

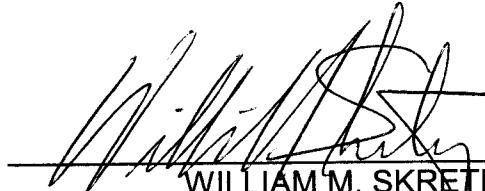
Plaintiff, who is incarcerated in the Southport Correctional Facility, has requested permission to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915(a) and has both met the statutory requirements and furnished the Court with a signed Authorization. Accordingly, plaintiff's request to proceed as a poor person is hereby granted. Because plaintiff is entitled to service by the U.S. Marshal Service because he has been granted poor person status, his request for service by the U.S. Marshal (Docket No. 3) is denied as moot. Plaintiff's complaint has been screened by the Court with respect to the 28 U.S.C. §§ 1915(e) and 1915A criteria.

The Clerk of the Court is directed to file plaintiff's papers, and to cause the United States Marshal to serve copies of the Summons, Complaint, and this Order upon the named defendants without plaintiff's payment therefor, unpaid fees to be recoverable if this action terminates by monetary award in plaintiff's favor.

Pursuant to 42 U.S.C. § 1997e(g)(2), the defendants are directed to answer the complaint.

SO ORDERED.

Dated: 2/02, 2007
Buffalo, New York



WILLIAM M. SKRETNY
United States District Judge